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Rm. Olsson

MEMORANDUM FOR: General Counsel

SUBJECT: Invitational Travel of Candidates for Employment

1. This Office desires an opinion on the Agency's authority to pay the cost of travel, including per diem, from place of residence to Washington, D. C., and return under the following circumstances:

a. If applicants were authorized travel to Washington, D. C., for medical examination or security interview prior to entrance on duty and were then authorized return travel to place of residence pending a call to active duty at a designated time.

b. If all applicants were authorized travel to Washington, D. C., in order to enter on duty and return travel was authorized for those who were rejected immediately after EOD as the result of their medical or security interviews. [redacted] of the Confidential Funds Regulations states that no candidate or applicant for staff employment by CIA will be invited to travel to Washington, D. C., at Government expense for assessment or interview without the prior approval of the Assistant Director for Personnel or the Deputy Director (Administration). Could the phrase "candidate or applicant" apply to personnel who are rejected after entrance on duty for medical or security reasons?

2. An alternative arrangement to the payment of travel and per diem at Government expense under the conditions stipulated in paragraph 1b might be the payment of an amount which is equivalent to the constructive cost of travel and per diem.

a. Such an amount might be authorized under either of the following circumstances:

(1) An individual would be entered on duty and an appointment action processed "subject to satisfactory completion of employment processing". If he were then rejected for medical or security reasons, his personnel action would be cancelled

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for failure to complete processing satisfactorily. A payment equal to the constructive cost of round-trip travel and per diem, covering the period of his travel and stay in Washington, D. C., would be authorized.

no payment for
separation

(2) An individual would be entered on duty "subject to satisfactory completion of processing". If rejected for medical or security reasons, he would be separated for disqualification, and a payment equal to the constructive cost (including per diem) of round-trip travel would be authorized. Under this arrangement, the individual would be compensated from the time of his appointment to his separation.

7. b. This Office is cognizant of the broad authorities vested in the Agency by Section 10 of Public Law 110 to expend funds for purposes necessary to carry out its functions, including personal services, and to expend funds without regard to the provisions of law and regulations relating to the expenditure of Government funds. We are also appreciative that the nature of the Agency's mission has caused it to impose additional medical and security qualifications which are not fully ascertained until after the appointment of personnel.

c. Admittedly, the expenditure of funds for administering such security and medical investigations is essential to the procurement of qualified personnel. This Office is uncertain, however, whether the Agency can legally pay to an individual a sum equal to his travel cost and per diem if he is rejected after EOD as the result of additional processing, required in order to determine his suitability for employment. From the individual's standpoint, he has accepted the terms of employment, but the Agency makes his continued service contingent upon medical or security interviews which are immediately subsequent to and an integral part of his appointment. These unusual demands of Agency employment are by their nature not ordinarily apparent to applicants at the time they enter on duty.


Deputy Assistant Director
for Personnel

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